

Virginia Department of Corrections

OSC-107

Summary Audit

Offender #: 185492	Offender: Johnson, Kevin	Print Date: 9/10/2008 3:13 PM
Status: Active	Location: Red Onion State Prison	Page: 25 of 41

<u>Date</u>	<u>Event Description</u>
08/23/1996	Class Level: Level 4
08/23/1996	Sentence: Mecklenburg Circuit - Docket: Offense: Possession Of Weapon{NCIC-5212} Offense Date: 09/25/1995 Good Time System: Earned Sentence Credit Consecutive Sentence Sentence Imposed: 5 Years 0 Months 0 Days Straight Sentence Sentence Comments: CR95-343-00 Sentence Memo: KNIFE, INSTRUMENT OR TOOL NOT AUTHORIZED - WHILE A PRISONER IN A STATE CORRECTIONAL FACILITY. Potential Registry: N-No
08/23/1996	Sentence: Mecklenburg Circuit - Docket: Offense: Assault And Battery{NCIC-5315} Offense Date: 09/25/1995 Good Time System: Good Conduct Allowance Consecutive Sentence Felony Term Indicator: 3 Sentence Imposed: 0 Years 3 Months 0 Days Straight Sentence Sentence Comments: CR95-343-01 Sentence Memo: AN EMPLOYEE OF A STATE CORRECTIONAL FACILITY. Potential Registry: N-No 08/23/1996
08/23/1996	Sentence: Mecklenburg Circuit - Docket: Offense: Assault And Battery{NCIC-5315} Offense Date: 09/25/1995 Good Time System: Good Conduct Allowance Consecutive Sentence Felony Term Indicator: 3 Sentence Imposed: 0 Years 6 Months 0 Days Straight Sentence Sentence Comments: CR95-343-02 Sentence Memo: AN EMPLOYEE OF A STATE CORRECTIONAL FACILITY. Potential Registry: N-No 08/23/1996
09/04/1996	Class Level: Level 4
09/18/1996	Class Level: Level 4
09/24/1996	Time Comp Memo: SUBJECT PLACED IN CLASS LEVEL 4 FOR 12 MONTHS DUE TO 3 INSTITUTIONAL SENTENCES RECEIVED BY INMATE ON 08/23/96. FTI RAISED TO A 3RD. TERM FELON DUE TO AN INSTITUTIONAL SENTENCE RECEIVED BY INMATE ON 8/23/96.

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<u>Date</u>	<u>Event Description</u>
10/04/1996	Class Level: Level 4
10/18/1996	Class Level: Level 4
11/03/1996	Class Level: Level 4
11/12/1996	Class Level: Level 4
12/03/1996	Class Level: Level 4
12/17/1996	Class Level: Level 4
01/23/1997	Class Level: Level 4
02/06/1997	Class Level: Level 4
02/22/1997	Class Level: Level 4
03/08/1997	Class Level: Level 4
03/17/1997	Disciplinary Offense: 111 - Damage Prop., State/Any Person Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release Isolation Date In: 03/20/1997 Date Out: 04/03/1997 Total Days: 15
03/20/1997	Class Level: Level 4
04/03/1997	Class Level: Level 4
05/12/1997	Disciplinary Offense: 210 - Indecent Exposure Lost: 0 days SGT Isolation Date In: 05/19/1997 Date Out: 06/02/1997 Total Days: 15
05/19/1997	Class Level: Level 4
06/02/1997	Class Level: Level 4
07/21/1997	Disciplinary Offense: 105 - Assault Upon Any Person Lost: 0 days SGT Isolation Date In: 08/27/1997 Date Out: 09/10/1997 Total Days: 15

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<u>Date</u>	<u>Event Description</u>
07/21/1997	Disciplinary Offense: 205 - Delaying/Hindering Employee Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release Isolation Date In: 07/28/1997 Date Out: 08/11/1997 Total Days: 15
07/24/1997	Disciplinary Offense: 102 - Possession Of A Weapon Lost: 5 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release Isolation Date In: 09/26/1997 Date Out: 09/30/1997 Total Days: 5
07/28/1997	Class Level: Level 4
08/11/1997	Class Level: Level 4
08/27/1997	Class Level: Level 4
09/10/1997	Class Level: Level 4
09/26/1997	Class Level: Level 4
09/30/1997	Class Level: Level 4
11/05/1997	Disciplinary Offense: 211 - Under Drug/Intoxicant Influence Lost: 0 days SGT Isolation Date In: 12/11/1997 Date Out: 12/25/1997 Total Days: 15
11/07/1997	Disciplinary Offense: 115 - Commit Fraud By Mail/Phone Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release Isolation Date In: 01/09/1998 Date Out: 01/23/1998 Total Days: 15
11/22/1997	Disciplinary Offense: 102 - Possession Of A Weapon Lost: 0 days SGT Isolation Date In: 02/06/1998 Date Out: 02/20/1998 Total Days: 15

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<u>Date</u>	<u>Event Description</u>
11/22/1997	Disciplinary Offense: 198 - Consp./Attempt/Abet 100 Series Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release Isolation Date In: 03/06/1998 Date Out: 03/20/1998 Total Days: 15
12/11/1997	Disciplinary Offense: 105 - Assault Upon Any Person Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release Isolation Date In: 04/03/1998 Date Out: 04/17/1998 Total Days: 15
12/11/1997	Class Level: Level 4
12/25/1997	Class Level: Level 4
01/09/1998	Class Level: Level 4
01/23/1998	Class Level: Level 4
02/06/1998	Class Level: Level 4
02/11/1998	Disciplinary Offense: 105 - Assault Upon Any Person Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release Isolation Date In: 05/29/1998 Date Out: 06/12/1998 Total Days: 15
02/11/1998	Disciplinary Offense: 105 - Assault Upon Any Person Lost: 0 days SGT Isolation Date In: 08/21/1998 Date Out: 08/31/1998 Total Days: 11 15D ISOL 4D SUSPENDED
02/11/1998	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 07/24/1998 Date Out: 08/07/1998 Total Days: 15
02/11/1998	Disciplinary Offense: 114 - Participate/Encourage Grp.Demo Lost: 0 days SGT Isolation Date In: 05/01/1998 Date Out: 05/15/1998 Total Days: 15

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<u>Date</u>	<u>Event Description</u>
02/11/1998	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 06/26/1998 Date Out: 07/10/1998 Total Days: 15
02/20/1998	Class Level: Level 4
03/06/1998	Class Level: Level 4
03/20/1998	Class Level: Level 4
04/03/1998	Class Level: Level 4
04/17/1998	Class Level: Level 4
05/01/1998	Class Level: Level 4
05/15/1998	Class Level: Level 4
05/29/1998	Class Level: Level 4
06/09/1998	Disciplinary Offense: 102 - Possession Of A Weapon Lost: 0 days SGT 15 DAYS ISOLATION
06/12/1998	Class Level: Level 4
06/18/1998	Class Level: Level 4
06/26/1998	Class Level: Level 4
07/10/1998	Class Level: Level 4
07/24/1998	Class Level: Level 4
08/07/1998	Class Level: Level 4
08/21/1998	Class Level: Level 4
08/31/1998	Class Level: Level 4
11/23/1998	Disciplinary Offense: 111 - Damage Prop.,; State/Any Person Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
11/24/1998	Disciplinary Offense: 102 - Possession Of A Weapon Lost: 0 days SGT Isolation Date In: 12/02/1998 Date Out: 12/15/1998 Total Days: 14

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<u>Date</u>	<u>Event Description</u>
12/02/1998	Class Level: Level 4
12/15/1998	Class Level: Level 4
04/15/1999	Disciplinary Offense: 201 - Disobeying An Order Lost: 10 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
04/16/1999	Disciplinary Offense: 201 - Disobeying An Order Lost: 10 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
04/20/1999	Disciplinary Offense: 201 - Disobeying An Order Lost: 10 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
04/21/1999	Disciplinary Offense: 201 - Disobeying An Order Lost: 10 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
05/10/1999	Disciplinary Offense: 201 - Disobeying An Order Lost: 15 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
05/11/1999	Disciplinary Offense: 224 - Possession Of Contraband Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
05/11/1999	Disciplinary Offense: 110 - Possession; Uniform Or Parts Lost: 60 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
05/16/1999	Disciplinary Offense: 111 - Damage Prop.; State/Any Person Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release

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<u>Date</u>	<u>Event Description</u>
06/04/1999	Disciplinary Offense: 111 - Damage Prop.,; State/Any Person Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
06/04/1999	Disciplinary Offense: 224 - Possession Of Contraband Lost: 15 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
06/10/1999	Disciplinary Offense: 224 - Possession Of Contraband Lost: 15 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
06/11/1999	Class Level: Level 4
07/07/1999	Disciplinary Offense: 205 - Delaying/Hindering Employee Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
07/18/1999	Disciplinary Offense: 198 - Consp./Attempt/Abet 100 Series Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
07/18/1999	Disciplinary Offense: 201 - Disobeying An Order Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
10/07/1999	Disciplinary Offense: 210 - Indecent Exposure Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
10/21/1999	Disciplinary Offense: 210 - Indecent Exposure Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release

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<u>Date</u>	<u>Event Description</u>
11/01/1999	Disciplinary Offense: 111 - Damage Prop.,; State/Any Person Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
11/01/1999	Disciplinary Offense: 210 - Indecent Exposure Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
12/03/1999	Disciplinary Offense: 224 - Possession Of Contraband Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
12/03/1999	Disciplinary Offense: 111 - Damage Prop.,; State/Any Person Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
12/16/1999	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 12/27/1999 Date Out: 12/31/1999 Total Days: 5
12/21/1999	Disciplinary Offense: 198 - Consp./Attempt/Abet 100 Series Lost: 60 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
12/27/1999	Class Level: Level 4
12/31/1999	Class Level: Level 4
01/04/2000	Disciplinary Offense: 212 - Threatening Bodily Harm Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
01/13/2000	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 01/24/2000 Date Out: 02/02/2000 Total Days: 10

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<u>Date</u>	<u>Event Description</u>
01/18/2000	Disciplinary Offense: 201 - Disobeying An Order Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
01/24/2000	Class Level: Level 4
02/01/2000	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 02/10/2000 Date Out: 02/24/2000 Total Days: 15
02/02/2000	Class Level: Level 4
02/02/2000	Time Comp Memo: UPON AN AUDIT OF THIS RECORD, THE DATES OF OFFENSE FOR THE TRESPASSING & BRANDISHING FIREARM CHARGES DATED 6/19/90 WERE INCORRECT. THIS UPDATE CORRECTS.
02/10/2000	Class Level: Level 4
02/24/2000	Class Level: Level 4
04/16/2000	Disciplinary Offense: 224 - Possession Of Contraband Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
04/16/2000	Disciplinary Offense: 105 - Assault Upon Any Person Lost: 180 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
04/16/2000	Disciplinary Offense: 105 - Assault Upon Any Person Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
05/13/2000	Disciplinary Offense: 102 - Possession Of A Weapon Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
06/06/2000	Disciplinary Offense: 201 - Disobeying An Order Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release

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<u>Date</u>	<u>Event Description</u>
08/15/2000	Disciplinary Offense: 111 - Damage Prop,, State/Any Person Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
08/28/2000	Disciplinary Offense: 111 - Damage Prop,, State/Any Person Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
08/28/2000	Disciplinary Offense: 111 - Damage Prop,, State/Any Person Lost: 15 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
10/28/2000	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 11/07/2000 Date Out: 11/21/2000 Total Days: 15
11/07/2000	Class Level: Level 4
11/09/2000	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 11/22/2000 Date Out: 12/06/2000 Total Days: 15
11/21/2000	Class Level: Level 4
11/22/2000	Class Level: Level 4
11/27/2000	Disciplinary Offense: 239A - Simple Assault Upon A Non-Inmate Lost: 0 days SGT Isolation Date In: 01/06/2001 Date Out: 01/20/2001 Total Days: 15
11/27/2000	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 12/22/2000 Date Out: 01/05/2001 Total Days: 15
12/06/2000	Class Level: Level 4
12/22/2000	Class Level: Level 4

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12/28/2000	Disciplinary Offense: 111 - Damage Prop,, State/Any Person Lost: 0 days SGT Isolation Date In: 02/05/2001 Date Out: 03/05/2001 Total Days: 29
12/29/2000	Disciplinary Offense: 102 - Possession Of A Weapon Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release Isolation Date In: 03/22/2001 Date Out: 04/20/2001 Total Days: 30
01/05/2001	Class Level: Level 4
01/06/2001	Class Level: Level 4
01/20/2001	Class Level: Level 4
02/05/2001	Disciplinary Offense: 111 - Damage Prop,, State/Any Person Lost: 20 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
02/05/2001	Class Level: Level 4
02/10/2001	Disciplinary Offense: 102 - Possession Of A Weapon Lost: 0 days SGT Isolation Date In: 05/07/2001 Date Out: 06/05/2001 Total Days: 30
03/05/2001	Class Level: Level 4
03/22/2001	Class Level: Level 4
03/29/2001	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 06/21/2001 Date Out: 07/05/2001 Total Days: 15
04/03/2001	Disciplinary Offense: 105A - Aggravated Assault Upon A Non-Inmate Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release Isolation Date In: 07/21/2001 Date Out: 08/19/2001 Total Days: 30

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04/03/2001	Disciplinary Offense: 105A - Aggravated Assault Upon A Non-Inmate Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release Isolation Date In: 09/04/2001 Date Out: 10/03/2001 Total Days: 30
04/10/2001	Disciplinary Offense: 111 - Damage Prop,, State/Any Person Lost: 0 days SGT Isolation Date In: 10/19/2001 Date Out: 11/02/2001 Total Days: 15
04/17/2001	Disciplinary Offense: 224 - Possession Of Contraband Lost: 0 days SGT Isolation Date In: 11/03/2001 Date Out: 11/07/2001 Total Days: 5 10 DAYS ISO REDU TO 5
04/20/2001	Class Level: Level 4
05/01/2001	Disciplinary Offense: 224 - Possession Of Contraband Lost: 0 days SGT Isolation Date In: 11/26/2001 Date Out: 12/05/2001 Total Days: 10
05/07/2001	Class Level: Level 4
06/05/2001	Class Level: Level 4
06/08/2001	Disciplinary Offense: 111 - Damage Prop,, State/Any Person Lost: 0 days SGT Isolation Date In: 12/06/2001 Date Out: 12/20/2001 Total Days: 15
06/11/2001	Class Level: Level 4
06/19/2001	Disciplinary Offense: 239A - Simple Assault Upon A Non-Inmate Lost: 0 days SGT Isolation Date In: 02/01/2002 Date Out: 02/15/2002 Total Days: 15
06/19/2001	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 01/22/2002 Date Out: 01/31/2002 Total Days: 10

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<u>Date</u>	<u>Event Description</u>
06/21/2001	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 03/04/2002 Date Out: 03/13/2002 Total Days: 10
06/21/2001	Class Level: Level 4
06/23/2001	Disciplinary Offense: 111 - Damage Prop,, State/Any Person Lost: 0 days SGT Isolation Date In: 03/14/2002 Date Out: 04/02/2002 Total Days: 20
06/25/2001	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 04/18/2002 Date Out: 04/27/2002 Total Days: 10
07/05/2001	Class Level: Level 4
07/21/2001	Class Level: Level 4
08/19/2001	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 05/13/2002 Date Out: 05/22/2002 Total Days: 10
08/19/2001	Class Level: Level 4
08/20/2001	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 05/23/2002 Date Out: 06/01/2002 Total Days: 10
09/02/2001	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 06/17/2002 Date Out: 07/01/2002 Total Days: 15
09/03/2001	Disciplinary Offense: 210B - Indecent Exposure Lost: 0 days SGT Isolation Date In: 07/02/2002 Date Out: 07/16/2002 Total Days: 15

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09/04/2001	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 08/01/2002 Date Out: 08/10/2002 Total Days: 10	
09/04/2001	Class Level: Level 4	
09/10/2001	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 08/26/2002 Date Out: 09/09/2002 Total Days: 15	
09/10/2001	Disciplinary Offense: 201 - Disobeying An Order Lost: 0 days SGT Isolation Date In: 09/10/2002 Date Out: 09/24/2002 Total Days: 15	
09/19/2001	Disciplinary Offense: 224 - Possession Of Contraband Lost: 0 days SGT Isolation Date In: 10/10/2002 Date Out: 10/19/2002 Total Days: 10	
10/03/2001	Class Level: Level 4	
10/19/2001	Class Level: Level 4	
11/02/2001	Class Level: Level 4	
11/03/2001	Class Level: Level 4	
11/07/2001	Class Level: Level 4	
11/26/2001	Class Level: Level 4	
12/05/2001	Class Level: Level 4	
12/06/2001	Class Level: Level 4	
12/20/2001	Class Level: Level 4	
01/22/2002	Class Level: Level 4	
01/31/2002	Class Level: Level 4	
02/01/2002	Class Level: Level 4	
02/15/2002	Class Level: Level 4	
03/04/2002	Class Level: Level 4	

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<u>Date</u>	<u>Event Description</u>
03/13/2002	Class Level: Level 4
03/14/2002	Class Level: Level 4
04/02/2002	Class Level: Level 4
04/18/2002	Class Level: Level 4
04/27/2002	Class Level: Level 4
05/13/2002	Class Level: Level 4
05/22/2002	Class Level: Level 4
05/23/2002	Class Level: Level 4
06/01/2002	Class Level: Level 4
06/11/2002	Class Level: Level 4
06/17/2002	Class Level: Level 4
07/01/2002	Class Level: Level 4
07/02/2002	Class Level: Level 4
07/16/2002	Class Level: Level 4
08/01/2002	Class Level: Level 4
08/10/2002	Class Level: Level 4
08/26/2002	Class Level: Level 4
09/09/2002	Class Level: Level 4
09/10/2002	Class Level: Level 4
09/24/2002	Class Level: Level 4
10/10/2002	Class Level: Level 4
10/19/2002	Class Level: Level 4
01/29/2003	Disciplinary Offense: 124 - Spit/Throw Bodily Waste/Fluids On Another Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release

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03/05/2003	Disciplinary Offense: 119A - Refuse Prevent-Propylactic Therapy/Contagious Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
10/05/2003	Disciplinary Offense: 128 - Engrng/Prtcptng In Wrk Stppg/Grp Demo Lost: 180 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
10/28/2003	Disciplinary Offense: 105A - Aggravated Assault Upon A Non-Inmate Lost: 180 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release 30 DAYS LOST OF TELEPHON
10/28/2003	Disciplinary Offense: 105A - Aggravated Assault Upon A Non-Inmate Lost: 180 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release 30 DAYS LOST OF TELEPHON
10/28/2003	Disciplinary Offense: 105A - Aggravated Assault Upon A Non-Inmate Lost: 180 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release 30 DAYS LOST OF TELEPHON
10/28/2003	Disciplinary Offense: 105A - Aggravated Assault Upon A Non-Inmate Lost: 180 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release 30 DAYS LOSS OF ELECTRONIC
01/15/2004	Disciplinary Offense: 102 - Possession Of A Weapon Lost: 180 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
03/16/2004	Disciplinary Offense: 119A - Refuse Prevent-Propylactic Therapy/Contagious Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
02/03/2005	Disciplinary Offense: 121 - False Statements/Charges Against An Employee Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release

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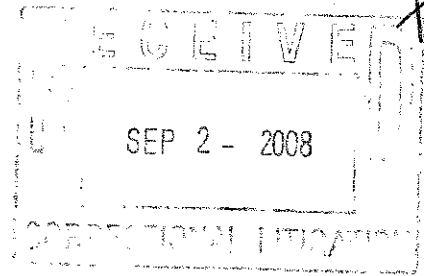
Offender #: 185492	Offender: Johnson, Kevin	Print Date: 9/10/2008 3:13 PM
Status: Active	Location: Red Onion State Prison	Page: 41 of 41

<u>Date</u>	<u>Event Description</u>	
03/07/2005	Disciplinary Offense:	119A - Refuse Prevent-Prophylactic Therapy/Contagious Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
03/26/2005	Disciplinary Offense:	128 - Engrng/Prtcptng In Wrk Stppg/Grp Demo Lost: 160 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
03/24/2006	Disciplinary Offense:	119A - Refuse Prevent-Prophylactic Therapy/Contagious Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
04/23/2006	Disciplinary Offense:	122D - Refusal To Submit To Drug Test Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
05/05/2006	Disciplinary Offense:	102 - Possession Of A Weapon Lost: 180 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
06/12/2006	Time Comp Memo:	This update reflects the recalculation of release dates under Virginia Coris Offender Sentence Calculation System.
06/28/2006	Disciplinary Offense:	128 - Engrng/Prtcptng In Wrk Stppg/Grp Demo Lost: 120 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
02/18/2007	Disciplinary Offense:	120B - Tampering-Security Materials, Devices, Equip Lost: 30 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
03/27/2008	Disciplinary Offense:	119A - Refuse Prevent-Prophylactic Therapy/Contagious Lost: 90 days SGT Applied: 0.00 days lost for Discretionary Parole Applied: 0.00 days lost for Release
04/16/2008	Time Comp Memo:	Subject has charges pending on 5-27-08 in the Wise Circuit Court for Attempt Capital Murder, Make/Possess Weapon, & 3 counts of Felonious Assault.
09/10/2008	Time Comp Memo:	The charges of Attempted Capital Murder, 3 Counts of Felonious Assault and Make/Possess a Weapon were DISMISSED in Wise Co. Circuit Court on 5-6-08.



Richmond Circuit Court
Civil Division
400 N. 9th Street
Richmond, Virginia 23219

Summons



To: VIRGINIA DEPARTMENT OF
CORRECTIONS DIRECTOR
SVE OFFICE OF THE
ATTORNEY GENERAL
900 EAST MAIN ST.
RICHMOND, VA 23219

Case number: 760CL08003593-00

The party upon whom this Summons and the attached Complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this Subpoena.

Done in the name of the Commonwealth of Virginia on, Wednesday, August 27, 2008.

Clerk of Court: Bevill M. Dean

By: Catherine White
(Clerk/Deputy Clerk)

Instructions:

Attorney's name: OLANDO LEE TRENT
PRO SE

Atty = 9-12-08
Court = 9-19-08

COMMONWEALTH OF VIRGINIA

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND
 OLANDO LEE TRENT, plaintiff,
 v.
 DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, defendant.

Serve at: OFFICE OF THE ATTORNEY GENERAL
 900 East Main St.
 Richmond, VA. 23219

CIVIL ACTION COMPLAINTPARTIES

1. COMES NOW Olando Lee Trent, who is the prose plaintiff in this civil action, and is falsely and unlawfully confined within the Virginia Department of Corrections as Kevin Johnson, no. 185492.
2. For reasons stated in the "Statement of Facts" section below, all correspondence and mailings in this case and related hereto, must be directed to plaintiff under the name and prisoner number and address as follows:

Kevin Johnson, no. 185492
 Red Onion State Prison
 P.O. Box 1900
 Pound, VA. 24279

3. The defendant, Virginia Department of Corrections (VDOC) director, is plaintiff's present custodian who is, and has been since 1991, holding plaintiff in prison custody pursuant to criminal judgments of conviction which are void ab initio as to plaintiff. Said VDOC director's official duties and responsibilities are characterized by his official title of office.

VENUE

4. Venue of this action lies in this Richmond City Circuit Court under Va. Code § 8.01-693, because plaintiff's "cause of action" (viz., the facts giving rise to his claims for relief herein) arose in 1990 when and as a consequence of his false arrest and confinement in the City Jail for this City of Richmond, Virginia, which arrest and confinement his present continued custody stems from and is a continuation of.

JURISDICTION

5. This court has jurisdiction under Va. Code § 17.1-513

CHARGE AND INTRODUCTION

6. Plaintiff seeks relief from this court declaring and vacating as void ab initio all criminal judgments of conviction imputed to him and under which he has been, is being, and is to be held in custody, because said judgments of conviction were entered against someone else, in absence of jurisdiction over plaintiff's person, the character of those judgments were such that the courts had no power to render them, the modes of procedure by which those judgments were procured were ones that the courts could not lawfully adopt, plaintiff was not a party nor named as a party nor privy to those proceedings, and/or those judgments were procured by extrinsic fraud.

7. Plaintiff also charges that his confinement which began and has

2. "An 'action' and a 'cause of action' are quite different; 'action' is defined by [Va. Code § 8.01-2 (1)], and 'cause of action' is defined by a set of operative facts which under the substantive law, may give rise to a right of action." Trout v. Comm. Transp. Comm'r, 241 Va. 69, 400 S.E. 2d 172 (1991). Under § 8.01-693 every civil action brought by one confined as a prisoner shall be brought in ^{the} court for the city or county in which said prisoner was confined when his "cause of action" accrued. Plaintiff's cause of action accrued while he was confined in the ~~city~~ jail for the City of Richmond.

continued since June 4, 1990 was procured and continues in violation of his constitutional rights against unlawful seizure, to basic procedural protections in criminal proceedings, to due process of law which ensures his entitlement to notice and to be heard before being deprived of his liberty, and of access to the courts under Va. Constitution, Article I §§ 8, 10, 11 and 12 and the U. S. Constitution.

STATEMENT OF FACTS

8. The plaintiff's name and identity is Olando Lee Trent. He was born on October 3, 1971 to his parents Lee Royal Trent III and Helena Lawson Trent at the Richmond Memorial Hospital in the city of Richmond, Virginia. See Exhibit I (a true copy of plaintiff's birth certificate). Plaintiff's social security number, which was issued in 1985, is 230-35-9712.
9. During April 1990 plaintiff was misidentified to Richmond City police as Kevin Johnson, by a civilian bystander on a dark street who was under duress, and mistook plaintiff for an actual person named Kevin Johnson. The actual Kevin Johnson was sought by said police as a suspect in various crimes in the city of Richmond, but no accurate description or positive identification had been obtained by said police of the said Kevin Johnson.
10. Subsequently, on June 4, 1990 plaintiff was falsely arrested by the same Richmond police to whom he'd been previously misidentified, and confined in the Richmond city jail under the false name and identity of Kevin Johnson, and pursuant to criminal warrants and indictments which were issued by magistrates and grand juries against the actual Kevin Johnson and not against the plaintiff.
11. Plaintiff was not then and has never been charged with any written or other criminal offenses, nor has he ever been served with any such charges nor process (summonses nor capiases) for any crimes or criminal proceedings. Plaintiff has also never been named as a defendant nor privy to any defendant in any criminal proceedings.
12. Plaintiff has also never voluntarily or knowingly waived formal charges or service of process in any criminal proceedings, nor has he otherwise voluntarily appeared before any criminal court as a defendant to or in any criminal proceedings.
13. Both to the arresting police and to his jail and prison custodians, plaintiff persistently protested that he is not Kevin Johnson but is Olando Lee Trent. These protestations were and have been at all times disregarded or evaded by said police and custodians despite that plaintiff produced various records and blood relatives and witnesses to corroborate his actual name and identity.
14. Consequently, while he was confined in the Richmond Jail from June 4, 1990 through July 1991, plaintiff refused to answer to or acknowledge the name Kevin Johnson, with the result that he was denied visits from friends and relatives and to send and receive mail, because jail officials refused to address him by or to acknowledge his actual name.
15. During and since the time that plaintiff was confined at the Richmond jail there were other individuals confined at the jail whose names were also Kevin Johnson or had similar names.
16. While he was confined to the jail various criminal charges, convictions and sentences which were adjudicated against one or more persons named Kevin Johnson, who posed as a Kevin Johnson, or who had similar names, were falsely imputed to plaintiff, which criminal proceedings plaintiff was not named in, was never lawfully arrested nor

served with process in relation to, and did not participate in.

17. During July 1991, while jail classification officials were supposedly investigating plaintiff's complaints of being held in jail with no charges and under someone else's name and identity, plaintiff was transferred from the jail to the VDOC still under the name Kevin Johnson, and was assigned VDOC prisoner number 185492. Plaintiff has since remained confined within the VDOC.

18. Just as occurred in the jail, throughout plaintiff's VDOC confinement, VDOC officials have always refused to identify him by his actual name and identity (viz, Olando Lee Trent) and forbid him to communicate with anyone by mail, including the courts and prison officials, using his ~~actual~~ actual name. When he has tried to correspond using his actual name, the mail is not processed or delivered. Mail sent to him in his actual name is returned to the sender with the indication that there is no one housed within the VDOC by the name Olando Lee Trent. Prison officials justify this by claiming that plaintiff was sentenced to prison under the name Kevin Johnson, although he was not, and therefore this is the only name they will recognize him by. He has ~~been~~ therefore had to identify himself by the name Kevin Johnson in all communications with the courts and otherwise during his years of VDOC confinement.

19. Due to plaintiff's persistence over the years in trying to assert and prove his actual identity to his detainers, VDOC officials have amassed a great deal of records which they acknowledge prove his actual name and identity to be Olando Lee Trent, yet they refuse to formally recognize his actual name as anything but an alias, because to do so would automatically impugn the legitimacy of his imprisonment and the fact that he has never been charged with any crimes by warrant, indictment nor otherwise, and that the criminal adjudications falsely imputed to him under the name Kevin Johnson, were made against someone else who answers to the name Kevin Johnson and not the plaintiff.

20. Over his years of confinement plaintiff has received numerous written admissions from VDOC officials (e.g. prison counselors and records keeping officials) admitting that plaintiff's name and identity is not Kevin Johnson, that he and Kevin Johnson are not one and the same person and that he is being held in prison upon criminal adjudications ~~against~~ that did not name or involve him.

21. In an unrelated pending federal civil action brought by plaintiff under 42 U.S.C. § 1983 for unconstitutional use of excessive force and denied medical care, (which has been set for jury trial), plaintiff attempted to raise the facts asserted herein on an independent motion to vacate. In that case and on that motion the Virginia attorney general's office admitted and conceded the following specific facts and conclusions ~~and~~ as true:

- a) "that the person who is incarcerated within the Virginia Department of Corrections (VDOC) as Kevin Johnson, #185492, ... is being held in prison custody based upon criminal adjudications which he was not a party nor privy to, which proceedings he never appeared or participated in as a party defendant, and which proceedings he had nothing to do with;"
- b) "that the person who is incarcerated within the VDOC as Kevin Johnson, #185492, ... has never been charged with, nor served with written notice of, nor served with process (capias or summons) upon any of the crimes for which he has been or is being held in

prison custody;"

c) "that the Plaintiff herein cannot be bound by any criminal judgments of conviction entered in any prior criminal proceedings in which he was not named as a party or privy to a party thereto. See, *Richards v. Jefferson County*, 517 U.S. 793, 797 n. 4, 798, 800 n. 5 (1996);"

d) "the person who is incarcerated within the VAOC as Kevin Johnson, #185492, has at all times been and continues to be subjected to unlawful detention pursuant to criminal judgments that are void ab initio as to him in violation of the 4th Amendment, and that the VAOC is without lawful authority to continue to retain him in prison custody."

e) that these "void judgments [under which plaintiff is confined] are] without legal effect and invalid as to plaintiff" and "may be challenged anytime, anywhere, by anyone and in any manner, directly or collaterally...."

22. The motion was not decided on the merits in that case, however, because the federal court found it did not have jurisdiction to decide the motion based upon the nature of the claims before it. See Exhibit II.

23. Plaintiff attaches also Exhibit III hereto, which is a summary listing of the criminal convictions and proceedings addressed herein under which he is being unlawfully detained in prison custody.

24. The total sentence(s) imputed falsely to plaintiff upon which he is being unlawfully held in prison custody totals single life, 43 years, 13 months and 30 days. These sentences include 13 years and 9 months imputed to plaintiff by the Mecklenburg County Circuit Court in 1995 and 1996 in criminal proceedings which he was also not named as a party or privy to, was never served with any written criminal charges nor process related to, did not voluntarily appear nor waive personal service of process in, and did not participate in the trials of.

25. Plaintiff has been prevented from bringing these facts before a court prior to 2008 due to jail and prison officials denying him access to needed legal research resources through which he would have learned sooner how, and upon what legal grounds, to challenge his unlawful confinement, and because of their refusing to permit him to correspond with and identify himself to the courts by his actual name and identity, and his only recently being able to obtain a copy of his birth certificate with which to prove his actual name and identity to the courts.

26. Plaintiff has never petitioned any court for ~~name~~ nor been granted any legal name change under Va. Code § 8.01-217, to change his name from Olando Lee Trent to Kevin Johnson.

27. The name Kevin Johnson is not a name that plaintiff has ever willfully and voluntarily assumed, and is not an alias of plaintiff's. He was never known by this name to anyone before police imputed it falsely to him upon his false arrest in 1990. Jail and prison officials have forced plaintiff to be identified as Kevin Johnson.

Pursuant to Va. Code § 8.01-280 plaintiff swears that he believes the foregoing facts to be true.

Plaintiff submits that he believes this case can be decided on the record without need of ore tenus proceedings or any further filings by him herein.

THEREFORE, plaintiff seeks the following relief from this court:
A. Judgment or decree declaring and vacating as void ab initio as

against plaintiff all criminal judgments of conviction imputed to him and under which he has been, is, and is to be confined in jail and vpoC custody, as listed in Exhibit III.

- B. Any further relief deemed appropriate herein, including release from custody.
- C. Costs and fees.

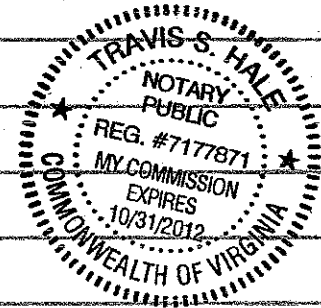
Submitted by,

7-27
Olando Lee Trent

reply to: Kevin Johnson, no. 185492
Red Onion State Prison
P.O. Box 1900
Pound, Va. 24279

SWORN Before me in this county of Wise,
this 20th day of July, 2008

My commission expires: 10-31-2012



COMMONWEALTH OF VIRGINIA—CERTIFICATE OF LIVE BIRTH
DEPARTMENT OF HEALTH—BUREAU OF VITAL RECORDS AND HEALTH STATISTICS

REGISTRATION AREA NUMBER 222		CERTIFICATE NUMBER 6353		RICHMOND		STATE BIRTH NUMBER 145-71 062120	
1. FULL NAME OF CHILD (first) Olando (middle) Lee (last) Trent						2. SEX OF CHILD male <input checked="" type="checkbox"/> female <input type="checkbox"/>	
3. DATE OF BIRTH (hour) 6:50 (month) October (day) 3rd. (year) 1971		4. THIS BIRTH single <input checked="" type="checkbox"/> twin <input type="checkbox"/> triplet <input type="checkbox"/>		5. IF TWIN OR TRIPLET, BORN 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>			
6. NAME OF HOSPITAL OR INSTITUTION OF BIRTH Richmond Memorial		7. COUNTY OF BIRTH (if independent city, leave blank)					
8. CITY OR TOWN OF BIRTH (if rural—so state) Richmond		inside city or town limits? yes <input checked="" type="checkbox"/> no <input type="checkbox"/>		9. STREET ADDRESS OR ROUTE NO. OF PLACE OF BIRTH 1300 Westwood Ave			
10. STATE (OR FOREIGN COUNTRY) OF MOTHER'S RESIDENCE Virginia		11. COUNTY OF RESIDENCE (if independent city, leave blank)					
12. CITY OR TOWN OF RESIDENCE (if rural—so state) Richmond		inside city or town limits? yes <input checked="" type="checkbox"/> no <input type="checkbox"/>		13. STREET ADDRESS OR ROUTE NO. OF RESIDENCE 3210 Enslow Ave		ZIP CODE 23222	
14. FULL MAIDEN NAME OF MOTHER Helena Clara Lawson						15. COLOR OR RACE Negro	
16. AGE OF MOTHER 25 YEARS		17. MOTHER'S PLACE OF BIRTH (state or foreign country) North Carolina		18. EDUCATION—SPECIFY HIGHEST GRADE COMPLETED ELEMENTARY 0, 1, 2 TO 8 HIGH SCHOOL 1, 2, 3 OR 4 COLLEGE 1 TO 4 OR 5+		4	
19. FULL NAME OF FATHER Lee Royal Trent, 3rd.						20. COLOR OR RACE Negro	
21. AGE OF FATHER 27 YEARS		22. FATHER'S PLACE OF BIRTH (state or foreign country) Virginia		23. EDUCATION—SPECIFY HIGHEST GRADE COMPLETED ELEMENTARY 0, 1, 2 TO 8 HIGH SCHOOL 1, 2, 3 OR 4 COLLEGE 1 TO 4 OR 5+		4	
24. I CERTIFY THE ABOVE TO BE CORRECT.		25. SIGNATURE OF MOTHER, FATHER, OR OTHER INFORMANT <i>Helena Lawson Trent</i> RELATIONSHIP TO CHILD: MOTHER					
26. I CERTIFY THAT THIS CHILD WAS BORN ALIVE ON THE DATE AND HOUR STATED ABOVE.		27. SIGNATURE OF ATTENDANT <i>William C. Lally</i> ADDRESS OF ATTENDANT: 8 East Leigh, Richmond, Va.				28. DATE RECORD SIGNED: 10/4/71	
29. REGISTRAR'S SIGNATURE <i>L. E. Rogers</i>		30. DATE RECORD FILED: OCT 18 1971					
RESERVED FOR REGISTRAR'S USE							

This is to certify that this is a true and correct reproduction or abstract of the official record filed with the State Department of Health, Richmond, Virginia.

AUG 13 1984

Date Issued:

Russell E. Booker, Jr.
RUSSELL E. BOOKER, JR., State Registrar

EXHIBIT I

RICHMOND CITY GENERAL DISTRICT COURT - CRIMINAL DIVISION

Case number	Charge	Date judgment of conviction entered	Sentence
unknown	trespassing	6-19-1990	30 days
unknown	brandishing a firearm	6-19-1990	12 months with 8 months suspended

RICHMOND CITY CIRCUIT COURT - CRIMINAL DIVISION

CR90-2882-00	use of firearm	11-9-1990	4 years
CR90-2883-00	malicious wounding	11-9-1990	10 years with 6 years suspended
CR90-2884-00	shooting into an occupied dwelling	11-9-1990	imposition suspended
CR90-696F-01	1st degree murder	10-29-1990	single life
CR90-696F-02	use of a firearm	10-29-1990	2 years
CR90-697F-01	attempt murder	10-29-1990	ten years
CR90-697F-02	use of a firearm	10-29-1990	4 years
CR90-698F-01	attempt murder	10-29-1990	ten years
CR90-698F-02	use of a firearm	10-29-1990	4 years

MECKLENBURG COUNTY CIRCUIT COURT - CRIMINAL DIVISION

CR-94-233-00	felonious wounding while a Prisoner	9-5-1995	8 years
CR95-343-00	possession of a weapon	8-23-1996	5 years
CR95-343-01	assault and battery	8-23-1996	3 months
CR95-343-02	assault and battery	8-23-1996	6 months

total sentence imputed: single life, 43 years, 13 months and 30 days.

EXHIBIT III

COMMONWEALTH OF VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND
 Olando Lee Trent, plaintiff,

v.
 Director, Virginia Department of Corrections, defendant.

MEMORANDUM IN SUPPORT OF CIVIL ACTION
 COMPLAINT

I. AUTHORITY OF THIS COURT TO VACATE VOID JUDGMENTS

"The lack of jurisdiction to enter an order... renders the order a complete nullity and it may be impeached directly or collaterally by all persons, anywhere, at any time and in any manner." Singh v. Mooney, 261 Va. 48, 52 (2001). "These propositions are elementary and fundamental and are recognized as law everywhere." Finkel Products v. Bell, 205 Va. 927, 933 (1965). Void orders and judgment may be collaterally attacked in an independent equity action. See, Virginia Department of Corrections v. Crowley, 227 Va. 254, 262 (1984); Accord, Va. Code § 8.01-428(D). There are clearly no conditions upon when, where, how and by whom a void judgment may be challenged.

II. THE JUDGMENTS OF CONVICTION IMPUTED AGAINST PLAINTIFF ARE VOID

A judgment "is void ab initio if entered by a court in the absence of jurisdiction of the subject matter or over the parties, if the character of the orders is such that the court had no power to render it, or if the mode of procedure used by the court was one that the court could not lawfully adopt." Singh v. Mooney, 261 Va. at 48. Accord, Evans v. Smyth-Wythe Airport Commission, 255 Va. 69, 73 (1998). "A judgment obtained by extrinsic or collateral fraud is also void ab initio." Singh v. Mooney, 261 Va. at n. 2; Evans v. Smyth-Wythe, 255 Va. at 73. Extrinsic or collateral fraud is simply "conduct which prevents a fair submission of [a] controversy to the court..." Jones v. Willard, 224 Va. 602, 607 (1983).

void judgment: one which has no legal force or effect, invalidity of which may be asserted by any person whose rights are affected at any time and at any place directly or collaterally. One which, from its inception is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right; of no legal force or effect whatever, and incapable of confirmation, ratification, or enforcement in any manner or to any degree. Judgment is "void judgment" if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process."

Black's Law Dictionary, (6th ed., unabridged, 1991), p. 1087

The criminal judgments imputed against plaintiff are void as to him, for lack of jurisdiction over his person where he was not a party, not served with process nor charged, nor did he appear in ~~any~~ those cases voluntarily; the courts had no power to convict him under any such circumstances nor to bind him by adjudications made against someone else, nor could he be made the lawful subject of criminal charges issued by magistrates and grand juries against someone else and which named someone else as the accused. Such amounts to the grossest injustice and extrinsic fraud.

Holdings which establish the invalidity of such judgments are legion.

"It is a principle of general application in Anglo-American jurisprudence that one is not bound by a judgment in personam in litigation in which he is not designated as a party or to which he has not been made a party by service of process.... A judgment or decree among parties to [a judicial proceeding] resolves issues as among

them, but it does not conclude the rights of strangers to those proceedings." Richards v. Jefferson County, 517 U.S. 293, 298 (1996). "[A] person cannot be deprived of his legal rights in a proceeding in which he is not a party." Martin v. Wilkes, 490 U.S. 755, 759 (1989). "The consistent constitutional rule has been that a court has no power to adjudicate a personal claim or obligation unless it has jurisdiction over the person of the defendant." Zenith Corp. v. Hazeltine, 395 U.S. 100, 110 (1969) (judgment vacated as void against person not named or served).

"Joinder as a party by service of process" is the method by which potential parties are subjected to the jurisdiction of the court and bound by a judgment or decree." Martin v. Wilkes, 490 U.S. at 765. "Unless duly summoned to appear in a legal proceeding, a person not a party may rest assured that a judgment ~~made~~ recovered therein will not affect his legal rights." Id. "It is true that [a person] not being a party to the earlier actions, and not having a chance to litigate her rights and liabilities, is not bound by the judgments entered therein...." Blonder Tongue v. Univ. Ill. Found., 402 U.S. 313, 322 n. 9 (1971). A court "cannot, without disregarding the requirement of due process, give a conclusive effect to a prior judgment against one who is neither a party nor ~~party~~ in privity with a party therein." Postal Co. v. City of Newport, 297 U.S. 464, 476 (1918).

No person is required to answer in a [proceeding] on whom process has not been attached." Pennoyer v. Neff, 95 U.S. 714, 728 (1877). A "person [must] have notice of a [judicial proceeding] before he can be conclusively bound by its result." Id. at 730. "The whole proceeding, without service upon him or his appearance, is *coram non iudice* and void... such a judgment is contrary to the first principle of justice." Id. at 732, and is "an absolute nullity, because rendered without jurisdiction of the tribunal over the party...." Id.

"It is fundamental of course, that no person may be deprived of his [liberty] without due process of law. One of the essentials of due process is notice. This is especially true in proceedings of a judicial nature affecting the [liberty] rights of citizens.

"Jurisdiction is the power to adjudicate a case upon its merits and dispose of it as justice may require. There must be jurisdiction of the subject matter of the litigation and also over the parties thereto.

If either is wanting the resulting judgment is void....

"Judgments without personal service of process... are void judgments, and may be so treated in any proceeding, direct or collateral."

Finkel Products v. Bell, 205 Va. at 931; Windsor v. McVeigh, 93 U.S. 274, 277 (1876) ("until notice is given, the court has no jurisdiction in any case to proceed to judgment, whatever its authority may be, by the law of its organization, over the subject matter.")

Moreover, in the criminal proceedings imputed to plaintiff he has not been afforded the basic protections of the 6th Amendment, which also renders judgments of convictions therein void ab initio. "[C]ompliance with this constitutional mandate is an essential jurisdictional prerequisite to a... court's authority to deprive an accused of his life and liberty.... If [the] requirement[s] of the Sixth Amendment [are] not complied with, the court no longer has jurisdiction to proceed. The judgment of conviction pronounced by a court without jurisdiction is

void. . . Johnson v. Zerbst, 304 U.S. 458 (1938).

III. PLAINTIFF ENTITLED TO RELIEF HEREIN

There is ~~not~~ no time limitation on the power of a court to vacate a void judgment. Rook v. Rook, 233 Va. 92, 94-95 (1987); VDOC v. Crowley, 227 Va. 260. Indeed, "Conventional notions of finality of litigation have no place where life and liberty is at stake and infringement of constitutional rights is alleged." Sanders v. U.S., 373 U.S. 1, 8 (1963).

Plaintiff also has no recourse to any legal remedy such as habeas corpus since more than two years have expired since the conclusion of the proceedings under which he is illegally confined. Va. Code § 8.01-654 (A)(2).

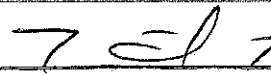
Unless a person is indicted before the expiration of the end of the second term of the court following his arrest, the arrestee "shall be discharged from imprisonment." Waller v. Comm., 84 Va. 492 (1888); Accord, Va. Code § 19.2-242.

IV. CONCLUSION

It is clear from the facts and law that plaintiff has never been charged nor validly convicted of any crimes justifying his imprisonment. That he is and has been at all times detained based upon criminal judgments that are void as to him.

THEREFORE, this court should declare as void ab initio all criminal judgments imputed to plaintiff and vacate them, and declare that he has never been in prison custody pursuant to valid criminal convictions and order his release from confinement.

Submitted by,


Orlando Lee Trent

reply to: Kevin Johnson, no. 185492
Red Onion State Prison
P.O. Box 1900
Pound, Va. 24279

CERTIFICATE OF SERVICE

I HEREBY CERTIFY HAVING MAILED A TRUE AND CORRECT COPY OF THE FOREGOING
Civil Action, Complaint, Affidavit In Forma Pauperis, Memorandum
in Support

BY PLACING SAID DOCUMENT(S) INTO CARE OF POSTAL OFFICIALS FOR MAILING POSTAGE PREPAID
ON THIS 20th DAY OF July 2008 TO :

Clerk

Richmond Circuit Court
John Marshall Courts Bldg.
400 N. 9th St.
Richmond, VA 23219

7 d 7.

Olando Lee Trent

City/County of Wise
Commonwealth of Virginia
Subscribed and sworn before me
this 20th day of July 2008 by
[Signature]
Notary Public
My Commission Expires 10-31-2012

